

Customer No. 01333

Attorney Docket No. 87833EIS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Joseph F. Bringley et al.

**ARTICLE FOR INHIBITING
MICROBIAL GROWTH IN
PHYSIOLOGICAL FLUIDS**

U.S. Serial No. 10/822,945

Filed: 13 April 2004

Group Art Unit: 1773

Examiner: Monique R. Jackson

Confirmation No.: 4460

MAIL STOP - AMENDMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

The owner, Eastman Kodak Company of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second U.S. Patent Application Serial No. **10/823,446**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal

disclaimer filed prior to the patent grant on the second application, in the event that any patent granted on the second application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney of record.
(If this box is not checked do not use this form)

11-13-07
Date

Eugene I. Shkurko

Eugene I. Shkurko
Attorney of Record
Registration No. 26,678

EIS:cvn
Telephone No.: 585-722-3335
Facsimile No.: 585-477-4646

☒ The Commissioner is hereby authorized to charge any fees in
In connection with this communication to Eastman Kodak Company,
Deposit Account 05-0225.

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the
Examiner is requested to communicate with Eastman Kodak Company Patent Operations at
(585) 477-4656.